

REMARKS

Claims 12-30 were pending at the time of the Office Action of March 15, 2006. In the Reply to this Office Action, claim 17 was cancelled without prejudice. In the Office Action dated November 30, 2006, restriction was required. In the Response to the Restriction Requirement, claims 16 and 18-26 were elected without traverse. The Office Action of March 21, 2007 contends that the responses dated September 14, 2006 and December 19, 2006 are not fully responsive. Pursuant to the restriction requirement, claims 12-15 and 27-30 are cancelled in this response. Claims 16 and 18-26 are pending at this time. Claim 16 is an independent claim. Reconsideration and allowance of the above-referenced application are respectfully requested.

The Office Action of March 15, 2006 suggested that a terminal disclaimer be filed in the application to overcome the provisional double patenting rejection. A terminal disclaimer was filed in compliance with 37 CFR 1.321 with the reply filed on September 14, 2006. Accordingly, it is respectfully requested that the provisional double patenting rejection be withdrawn.

Claims 12-13, 16, and 25-28 stand rejected under 35 USC 102(e) as allegedly being anticipated by Farrell et al. (US 6,751,663), hereinafter "Farrell". Claims 14, 17-19, and 29 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Farrell and Barrett et al. (US 6,633,909),

hereinafter "Barrett". Claim 20 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Farrell, Barrett, and Libert et al. (US 6,574,655), hereinafter "Libert". Claims 21-23 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Farrell in view of Fletcher et al. (WO 98/26541), hereinafter "Fletcher". Claims 24 and 30 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Farrell in view of Libert. Claim 15 stands rejected under 35 USC 103(a) as allegedly being unpatentable over Farrell in view of Barrett and in further view of Libert. These contentions are respectfully traversed.

The rejections of claims 12-15 and 27-30 are obviated by their cancellation without prejudice pursuant to the restriction requirement.

Claim 16 recites, "receive discovery data collected from a plurality of network devices by a first plurality of discovery agents registered during installation; receive discovery data collected from a network device by an additional discovery agent registered during an upgrade; aggregate discovery data collected from a second plurality of discovery agents, the second plurality of discovery agents including the first plurality of discovery agents and the additional discovery agent; generate a relationship file characterizing relationships among network devices identified by the second plurality of discovery agents; coalesce the discovery data in a software file comprising a

discovery document, said discovery data including two or more duplicate data entries; and remove all but one of the duplicate data entries from the discovery document." (Emphasis added).

Farrell does not describe or suggest all the features recited in claim 16.

Farrell describes a system for collecting and aggregating data from network entities for a data consuming application. See, Abstract. Farrell states, "Individual and multiple data collectors (not referenced) can be disposed at points of presence (POP) in a network 11." See, col. 2, lines 37-39. Farrell also states, "As new network devices 12 are added to the accounting support arrangement 10, new data collectors are also deployed." See, col. 4, lines 12-14.

As described in Farrell, new data collectors are deployed when new network devices are added to the accounting support arrangement. See, e.g., col. 4, lines 12-14. But, Farrell does not describe or suggest an article comprising instructions causing a computer to remove all but one of the duplicate data entries from the discovery document, as recited in claim 16. Further, the cited portions of Farrell (Abstract, col. 2, lines 35-50, col. 3, lines 7-17, lines 46-58, col. 4, lines 15-31) do not describe or suggest an article comprising instructions causing a computer to receive discovery data collected from a network device by an additional discovery agent registered during an upgrade, as recited in claim 16. Thus, Farrell does

not disclose all the features recited in claim 16. Neither Barrett, Fletcher, or Libert cures this deficiency of Farrell. Accordingly, claim 16 should be patentable. Dependent claims 18-26 should also be patentable at least for the above reasons and the additional recitations that they contain.

For example, claim 18 recites, "wherein the instructions that cause the computer to receive discovery data comprise instructions that cause the computer to call said second plurality of discovery agents from an agent directory." The suggested combination of Farrell and Barrett does not disclose all the features recited in claim 18. As discussed previously, Farrell does not describe or suggest an article comprising instructions causing a computer to remove all but one of the duplicate data entries from the discovery document. Barrett does not rectify this deficiency in Farrell. Barrett describes a method for guaranteeing a network manager discovers simple network management protocol (SNMP) agents on a communications network. See, Barrett at Abstract. But, the cited portion of Barrett does not describe or suggest an article comprising instructions causing a computer to remove all but one of the duplicate data entries from the discovery document. Thus, the suggested combination of Farrell and Barrett does not disclose all the features of claim 18. Therefore, a prima facie case of obviousness is not established. Accordingly, claim 18 should be

patentable. Claim 19 should also be patentable at least for the same reasons and the additional recitations that it contains.

Claim 20 recites, "wherein the agent directory comprises a plurality of Extensible Markup Language (XML) files." The suggested combination of Farrell, Barrett, and Libert does not disclose all the features recited in claim 20. Farrell does not describe or suggest an article comprising instructions causing a computer to remove all but one of the duplicate data entries from the discovery document. Neither Barrett nor Libert, taken alone or in combination, rectify this deficiency in Farrell. Libert describes the associative management of distributed multimedia assets and associated resources using multi-domain agent-based communication between heterogeneous peers. See, Libert, col. 1, lines 15-19. The cited portion of Libert does not describe or suggest an article comprising instructions causing a computer to remove all but one of the duplicate data entries from the discovery document, as claimed. Thus, Farrell, Barrett, or Libert, taken alone or in any combination, do not describe or suggest all the features in the claimed subject matter. Therefore, a *prima facie* case of obviousness is not established. Accordingly, claim 20 should be patentable.

With respect to claims 21-23, as discussed previously, Farrell does not describe all the features of the claimed subject matter. Fletcher does not rectify the deficiency in Farrell. Fletcher describes distributed remote monitoring

(dRMON) of network traffic and performance using distributed nodes to collect traffic statistics at distributed points in the network. See, e.g., Fletcher at Abstract. Fletcher does not describe or suggest an article comprising instructions causing a computer to remove all but one of the duplicate data entries from the discovery document. Thus, the suggested combination of Farrell and Fletcher does not describe or suggest all the features of the claimed subject matter. Therefore, a *prima facie* case of obviousness is not established. Accordingly, claim 21 should be patentable. Claims 22 and 23 should also be patentable at least for the same reasons and the additional recitations that they contain.

CONCLUSION

In view of the amendments and remarks herein, claims 16 and 18-26 are in condition for allowance and notice of allowance is respectfully requested. It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

It is respectfully suggested for all of these reasons, that the current rejections are overcome, that none of the cited art teaches or suggests the features which are claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Please apply any additional charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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for


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